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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 11 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have pleasure in writing to you in connection with the item entitled "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba" in order to transmit the note dated 7 April 1992 presented to the United States Department of State by the Delegation of the Commission of the European Communities and the Embassy of Portugal, a copy of which is annexed to this letter.

The note refers to the bill known as the "Cuban Democracy Act of 1992" which is under discussion in the United States Congress. As can be seen from even a cursory reading, this bill is completely unlawful and immoral because its aim is interference and it is at variance with the Charter of the United Nations and international law.

I request you to have this letter and its annex circulated as a document of the General Assembly.

(Signed) René MUJICA CANTELAR
Chargé d'affaires a.i.

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Annex

NOTE VERBALE DATED 7 APRIL 1992 FROM THE DELEGATION OF THE COMMISSION OF THE EUROPEAN COMMUNITIES AND THE EMBASSY OF PORTUGAL ADDRESSED TO THE DEPARTMENT OF STATE OF THE UNITED STATES OF AMERICA

[Original: English]

The Delegation of the Commission of the European Communities and the Embassy of Portugal present their compliments to the Department of State and wish to refer to HR. 4168, the Cuban Democracy Act of 1992, which was recently introduced in the House, by Representative Torricelli (D-NJ) and others.

The European Community and its member States are seriously concerned about Section 6 of the bill which would have the effect of prohibiting United States-owned or controlled subsidiary companies domiciled outside the United States from trading with Cuba.

As has been made clear to the Department of State on a number of occasions, most recently in a démarche of 21 October 1991, the European Community and its member States cannot accept the extraterritorial extention of United States jurisdiction as a matter of law and policy.

In addition, the European Community and its member States note with concern that the bill would introduce discriminatory tax penalties against United States companies with subsidiaries overseas which trade with Cuba, thereby providing a draconian economic disincentive against transactions which would be permitted in other jurisdictions.

The bill, if adopted, would also prohibit any vessel from engaging in trade with the United States if the vessel has entered a port in Cuba during the preceding 180 days. Such a measure would be in conflict with long-standing rules on comity and international law, would injure international shipping and would adversely affect the European Community's trade with the United States.

The European Community and its member States consider that these collective provisions have the potential to cause grave and damaging effects to bilateral European Community/United States trade relations. Furthermore, passage of these provisions would be totally inappropriate and inconsistent with the new climate of reinforced transatlantic cooperation.

The European Community and its member States request therefore that the Administration takes measures to prevent the bill from passing into law.

The Embassies of Sweden and Canada fully associate themselves with this démarche.

Washington, D.C.
7th April, 1992